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7 AMANDA JEANE DAWSON,
8 Plaintiff,
9 v.
10 NAPA COUNTY, et al.,
11 Defendants.

Case No. 25-cv-01923-JSC

**ORDER RE: PLAINTIFF'S MOTION
TO DISQUALIFY**

Re: Dkt. No. 19

12 The Court is in receipt of Ms. Dawson's motion for disqualification, which "arises from
13 [the Court's] sua sponte reassignment of the instant case and immediate denial of Plaintiff's
14 Emergency Temporary Restraining Order and Motion for injunctive relief, issued without
15 adequate time to review the record, factual basis, or exhibits." (Dkt. No. 19 at 1-2.) Having
16 carefully reviewed the relevant documents, the Court finds oral argument is not required pursuant
17 to Local Rule 7-1(b). For the reasons explained below, Ms. Dawson's motion is DENIED.

18 Motions to disqualify or recuse a judge fall under two statutory provisions: 28 U.S.C. §
19 144 and 28 U.S.C. § 455. Section 455 provides "[a]ny justice, judge, or magistrate judge of the
20 United States shall disqualify himself in any proceeding in which his impartiality might
21 reasonably be questioned" or "[w]here he has a personal bias or prejudice concerning a party." 28
22 U.S.C. § 455(a), (b)(1). Section 144 provides for recusal when a party files a timely and sufficient
23 affidavit averring the judge before whom the matter is pending has a personal bias or prejudice
24 either against the party or in favor of an adverse party, and setting forth the facts and reasons for
25 such belief. *See* 28 U.S.C. § 144. If a judge finds a section 144 motion timely and the affidavits
26 legally sufficient, the judge must proceed no further and another judge must be assigned to hear
27 the matter. *See id.* When the affidavit is not legally sufficient, however, the judge to whom the
28 motion is directed may determine the matter. *See United States v. Sibla*, 624 F.2d 864, 868 (9th

1 Cir. 1980) (holding judge challenged under § 144 properly heard and denied motion where
2 affidavit not legally sufficient).

3 Sections 144 and 455 carry identical substantive tests for determining personal bias or
4 prejudice. *See Sibla*, 624 F.2d. at 867. Under both statutes, recusal is appropriate when “a
5 reasonable person with knowledge of all the facts would conclude that the judge’s impartiality
6 might reasonably be questioned.” *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993)
7 (citation omitted). Motions for recusal are “limited by the ‘extrajudicial source’ factor which
8 generally requires as the basis for recusal something other than rulings, opinions formed or
9 statements made by the judge during the course of trial.” *United States v. Holland*, 519 F.3d 909,
10 913–14 (9th Cir. 2008); *see also Sibla*, 624 F.2d at 868 (holding affidavit not legally sufficient
11 unless it alleges facts demonstrating bias or prejudice that “stems from an extrajudicial source”).
12 “By themselves, adverse judicial rulings or critical remarks typically do not establish bias or
13 prejudice” absent exceptional circumstances. *Perez v. Essentia Ins. Co.*, No. 23-CV-06077-VC,
14 2024 WL 242996, at *1 (N.D. Cal. Jan. 17, 2024) (citing *Pesnell v. Arsenault*, 543 F.3d 1038,
15 1043–44 (9th Cir. 2008); *Liteky v. United States*, 510 U.S. 540, 555–56 (1994)).

16 Ms. Dawson moves for disqualification under both Section 144 and Section 455(a). First,
17 Ms. Dawson asserts bias because “Plaintiff’s federal complaint was initially assigned to a
18 Magistrate Judge” and “[b]efore the Magistrate could act, Judge Jacqueline Scott Corley was
19 automatically reassigned to the case.” (Dkt. No. 19 at 2-3.) As the docket indicates, the case was
20 randomly assigned to this Court “because either (1) a party ha[d] not consented to the jurisdiction
21 of a Magistrate Judge, or (2) time [was] of the essence in deciding a pending judicial action for
22 which the necessary consents to Magistrate Judge jurisdiction ha[d] not been secured.” (Dkt. No.
23 16.) *See also* N.D. Cal. Civ. L.R. 73-1 (“Parties must either file written consent to the jurisdiction
24 of the Magistrate Judge, or request reassignment to a District Judge, by the deadline set by the
25 Clerk or the Magistrate Judge.”). So, the reassignment is not evidence of bias.

26 Second, Ms. Dawson asserts bias on the ground the Court “summarily denied Plaintiff’s
27 TRO and Emergency Injunction.” (*Id.* at 3; Dkt. No. 19-1 at 2 (“On the same day that District
28 Judge Jacqueline Scott Corley was reassigned to my case . . . , she denied my Emergency

1 Temporary Retraining Order” and “[t]here is no indication that Judge Corley reviewed the TRO,
2 its factual basis, or exhibits before issuing the denial.”). As an initial matter, “[a]n adverse
3 judicial ruling is not an adequate basis for recusal” and is not evidence of bias. *Stebbins v.*
4 *Polano*, No. 21-CV-04184-JSW, 2021 WL 8532245, at *1 (N.D. Cal. Oct. 22, 2021); *see also*
5 *Mikhak v. Univ. of Phoenix*, No. 21-CV-06919-CRB, 2022 WL 1150840, at *2 (N.D. Cal. Mar. 1,
6 2022) (“Rulings that a party disagrees with do not demonstrate bias.”). Moreover, the order—
7 issued two days after Ms. Dawson filed her motion for a temporary restraining order—explained
8 the basis for the denial. (Dkt. No. 18.) Ms. Dawson sought “to immediately stay all state criminal
9 proceedings, restraining orders, and juvenile dependency actions,” but under binding United States
10 Supreme Court and Ninth Circuit precedent, federal courts cannot enjoin pending state criminal
11 and child custody proceedings. (*Id.* at 1-2 (citing *ReadyLink Healthcare, Inc. v. State Comp. Ins.*
12 *Fund*, 754 F.3d 754, 758 (9th Cir. 2014), *Younger v. Harris*, 401 U.S. 37, 43-54 (1971), and
13 *Moore v. Sims*, 442 U.S. 415, 423 (1979)).) So, the timing and nature of the Court’s May 4, 2025
14 order are not evidence of bias.

15 Third, Ms. Dawson asserts the Court “has a documented pattern of denying pro se civil
16 rights plaintiffs equitable relief and has a history of controversial decisions involving institutional
17 actors (e.g., *FTC v. Microsoft*).” (Dkt. No. 19 at 3.) As Ms. Dawson herself acknowledges, these
18 prior rulings are “not dispositive” on the issue of bias. (Dkt. No. 19 at 3.) And aside from a case
19 involving a merger in the video gaming industry, *Fed. Trade Comm’n v. Microsoft Corp.*, 681 F.
20 Supp. 3d 1069, 1077 (N.D. Cal. 2023), *aff’d*, No. 23-15992, 2025 WL 1319069 (9th Cir. May 7,
21 2025), Ms. Dawson does not identify other cases or articulate how the Court’s prior rulings are
22 evidence of bias as it pertains to this case. So, she has not “specifically allege[d] facts that fairly
23 support the contention that the [Court] exhibits bias or prejudice directed toward a party that stems
24 from an extrajudicial source.” *See Sibla*, 624 F.2d at 868. Nor has she demonstrated “a
25 reasonable person with knowledge of all the facts would conclude that the [Court’s] impartiality
26 might reasonably be questioned.” *See Yagman*, 987 F.2d at 626 (9th Cir. 1993).

27 CONCLUSION

28 For the reasons stated above, the Court DENIES Ms. Dawson’s motion for

1 disqualification.

2 This Order disposes of Docket No. 19.

3 **IT IS SO ORDERED.**

4 Dated: May 27, 2025

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JACQUELINE SCOTT CORLEY
United States District Judge